



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Ruben et al.**

Application Serial No.: 09/661,453

Art Unit: 1631

Filed: September 13, 2000

Examiner: Marschel, A.

For: 27 Human Secreted Proteins

Attorney Docket No.: PZ038P1

TECH CENTER 1600/2900

APR 03 2002

RECEIVED

#10/A

Plunkett

4/10/02

PROVISIONAL ELECTION UNDER 37 C.F.R. § 1.143
WITH TRAVERSE AND AMENDMENT UNDER 37 C.F.R. § 1.111

Commissioner For Patents
Washington, D.C. 20231

Sir:

In response to the Restriction Requirement dated December 18, 2001, (Paper No. 8), Applicants provisionally elect, *with traverse*, Group III, encompassing claims 11-12 and 16 and by newly added claims 24 to 73, drawn to purified polypeptides of elected SEQ ID NO:73 and clone ID HATCM08, for further prosecution. Applicants reserve the right to file one or more divisional applications directed to the non-elected inventions should the restriction requirement be made final. Applicants submit concurrently herewith: (a) a Fee Transmittal sheet, with appropriate fee; (b) a Petition for Extension of Time for three (3) months; and (c) an Information Disclosure Statement with PTO Form SB/08, with a copy of reference AA.

Prior to substantive examination, please amend the application as follows.

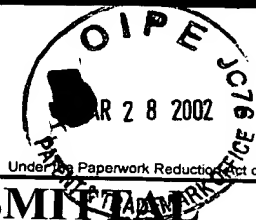
In the Claims:

Please enter the following new claims 24 to 73:

-- 24. (New) An isolated protein comprising amino acid residues 24 to 105 of SEQ ID NO:73.

25. (New) The isolated protein of claim 24 which comprises amino acid residues 2 to 105 of SEQ ID NO:73.

26. (New) The isolated protein of claim 24 which comprises amino acid residues 1 to 105 of SEQ ID NO:73.



16318

Approved for use through 10/31/2002. PTO/SB/17 (10-01)
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
OMB 0651-0032

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FEE TRANSMITTAL

for FY 2002

Patent fees are subject to annual revision.

Complete if Known

Application Number	09/661,453
Filing Date	September 13, 2000
First Named Inventor	RUBEN et al.
Examiner Name	Marschel, A.
Group Art Unit	1631
Attorney Docket Number	PZ038P1

Total amount of payment **\$2,492.00**

METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number **08-3425**

Deposit Account Name **Human Genome Sciences, Inc.**

- ☒ Charge Any Additional Fee Required
Under 37 CFR §§ 1.16 and 1.17
☐ Applicant claims small entity status.
See 37 CFR 1.27

2. ☐ Payment Enclosed:
☐ Check ☐ Credit Card ☐ Money Order ☐ Other*

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) **\$0.00**

2. EXTRA CLAIM FEES

	Total Claims	Extra Claims	Fee from below	Fee Paid
Total Claims	73	-23**	50	\$18.00
Independent Claims	12	-4**	8	\$84.00
Multiple Dependent				\$280.00

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
103	18	203	9	Claims in excess of 20	
102	84	202	42	Independent claims in excess of 3	
104	280	204	140	Multiple dependent claim, if not paid	
108	84	209	42	** Reissue independent claims over original patent	
110	18	210	9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) **\$1,572.00**

** or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	920.00
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use hearing	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Statement	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	
145	100	145	100	Certificate of correction	
148	110	248	55	Statutory disclaimer	
561	3	561	3	Printed copy of patent, regular service	

Other fee (specify):

Other fee (specify):

* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) **\$920.00**

Submitted By

Name (Print/Type) **Janet M. Martineau**

Registration No.: **46,903**

Complete (if applicable)

Signature:

Telephone **(301) 315-2723**

Date: **March 28, 2002**

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.